

## REMARKS

Claims 1-69 are pending in this application. Claims 1-21, 23, 24, 26-30, 35-51, 53-63 and 66-69 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2003/0050527 to Fox et al. ("Fox").

The claims are directed to a circuit pad that reduces discomfort caused by a magnetic stimulation device. The circuit pad includes a conductor that reduces the stimulation from the magnetic stimulation device. The circuit pad with the conductor are located *proximate* to the magnetic stimulation device.

The office action suggests that Fox teaches a conductor located proximate to the magnetic stimulation device, as recited in the claimed embodiments. In particular, the office action suggests that because Fox teaches copper windings wound around a coil, the copper windings constitute a conductor located proximate to a magnetic stimulation device (*Office Action dated December 23, 2009 at p. 2*). However, Fox's "conductor" or winding is not located *proximate* to Fox's coil-based magnetic stimulation device. Instead, Fox's "conductor" and the coil together make up the magnetic stimulator and, thus, are part of the stimulator coil itself.

The Examiner references paragraph [0153] of Fox which describes a connection from the coil to cabling in order to adapt the coil to a magnetic stimulator. The office action asserts that this connection indicates that the windings are proximate to the coil. However, the connection between the coil and the cabling that is required *in order to function as a magnetic stimulator* is actually evidence that the coil alone is not the magnetic stimulator, but the coil and the wire wound around the coil together make up a stimulation device. In particular, Fox's stimulation device is a wire-wound coil. In order to function as a magnetic stimulator, copper windings are wound around a magnetic coil such that an electric field may be induced when the device is energized by an electric current (Fox, Abstract, [0008], [0084]). In other words, the referenced copper windings are *part of* the stimulation device and are necessary to the device for it to function as a stimulator. This is also consistent with the Examiner's acknowledgement that Fox's windings are a part of the stimulator coil, as this was the basis of the rejection set forth in the office action dated November 2009 (Office Action dated November 2009, page 12).

Because Fox's windings are *part of* the magnetic stimulation device, the windings cannot be said to be *proximate to* the magnetic stimulation device.

While it is true that a magnetic field resulting from a magnetic stimulation device may vary based on the number or arrangement of windings around the coil, the windings are still part of the stimulation device. Modifying the number or arrangement of windings does not change the fact that Fox's windings are part of Fox's stimulation device. The distinction of having another conductor proximate to the magnetic stimulation device is significant. For example, Fox's paragraph [0150] admits that its technique has an impact on the coil generating the field itself when it acknowledges that its technique "comes at the expense of some focusing ability, and coil inductance and heating."

The claims, on the other hand, recite a conductor located proximate to the magnetic stimulation device. In contrast to Fox's windings that are part of the stimulation device and used for generating the field for stimulation, by locating a conductor *proximate to* the magnetic stimulation device, as recited in the claims, the proximate conductor on the circuit pad can reduce undesirable and painful scalp stimulation caused by the magnetic stimulation device.

Thus, distinct from Fox's teaching of windings that are *part of the coil itself*, the claimed conductor is located *proximate to* the magnetic stimulation device. Fox's conductors are not proximate to the magnetic stimulation device.

Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-21, 23, 24, 26-30, 35-51, 53-63 and 66-69 under 35 U.S.C. §102(e) over Fox.

Claims 22 and 63 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of U.S. Pub. No. 2001/0018547 to Mechlenburg *et al.* ("Mechlenburg"). Claim 25 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fox. Claims 31-34, 52 and 64-65 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of U.S. Patent No. 6,477,410 to Henley *et al.* ("Henley").

For the same reasons discussed above with respect to the rejection of claims 1-21, 23, 24, 26-30, 35-51, 53-63 and 66-69 under 35 U.S.C. 102(e) over Fox, applicant respectfully requests

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withdrawal of the rejection of claims 22 and 63 over Fox and Mechlenburg, claim 25 over Fox, and claims 31-34, 52 and 64-65 over Fox and Henley.

### **Conclusion**

In view of the foregoing, applicant respectfully submits that the claims are allowable and that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Lori Anne D. Swanson at (215) 564-8997, to discuss resolution of any remaining issues.

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